

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

JANINE ALI, Plaintiff, v. ELI LILLY AND COMPANY, an Indiana corporation, Defendant.	Case No. 1:14cv-01615-AJT-JFA Hon. Anthony J. Trenga Hon. John F. Anderson DECLARATION OF R. BRENT WISNER IN SUPPORT OF MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 37
--------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

I, R. Brent Wisner, declare as follows:

1. I am an attorney licensed to practice in the State of California and I am admitted *pro hac vice* before this Court. I am a shareholder with the law firm of Baum Hedlund Aristei & Goldman, P.C., and counsel of record for Janine Ali in the above-referenced action. I make this declaration based on my personal knowledge and, if called as a witness, I could and would testify competently to these matters.
2. Attached hereto as Exhibit “1” is a true and correct copy of Plaintiff’s First Set of Requests for Production of Documents, served on Defendant Eli Lilly and Company (“Lilly”) on February 4, 2015. I have inserted page numbers on the document after-the-fact to make references easier.
3. Attached hereto as Exhibit “2” is a true and correct copy of the Court’s April 3, 2015 Order, entered by the Honorable John F. Anderson.
4. Attached hereto as Exhibit “3” is a true and correct copy of the Court’s May 27, 2015 Order, entered by the Honorable John F. Anderson.

5. Attached hereto as Exhibit “4” is a true and correct copy of a police report that Lilly showed Plaintiff’s expert Dr. Joseph Glenmullen on June 1, 2015, after the close of discovery. I cannot vouch for the authenticity of this document but can represent that this is the document that was shown to Dr. Glenmullen during his deposition on June 1, 2015.

6. Attached hereto as Exhibit “5” is a true and correct copy of various email exchanges between myself and Lilly’s counsel relating to this motion, with dates between June 1, 2015 and June 2, 2015. There were additional exchanges between counsel afterward, on the same email thread, but those exchanges did not relate to this motion.

7. My reasonable hourly rate as an attorney is \$450 per hour. This was the number recently used to calculate attorneys’ fees in *In re Celexa & Lexapro Prod. Liab. Litig.*, 09-MD-206-NMG (D. Mass.), wherein I was appointed as Class Counsel for a certified consumer class involving the antidepressants Celexa and Lexapro. Although, since that settlement was approved, I have become a shareholder with Baum, Hedlund, Aristei & Goldman, PC, for the purposes of this motion and, at this time, \$450 per hour reflects a reasonable hourly rate.

8. In researching and preparing this motion for sanctions, as well as the accompanying documentation, I have expended 5.25 hours:

- a. 1.25 hours conducting research;
- b. 3.5 hours preparing the memorandum in support of Plaintiff’s Motion for Sanctions; and
- c. .5 hours preparing this declaration, the motion, the notice of motion, the proposed order, and accompanying exhibits.

9. I anticipate expending approximately 2 hours researching and preparing for argument associated with this motion, including but not limited to preparing a reply brief.

Should I not need as much time, I will notify the Court in writing. I will not seek any additional fees.

10. My flight to Washington, D.C., will cost \$1,064.20. I have attached a true and correct copy of my itinerary as Exhibit “6” to this declaration.

11. My hotel for the evening of Thursday, June 11, 2015 will cost \$205.96. I have attached a true and correct copy of my hotel reservation for reference as Exhibit “7” to this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of June, 2015 in Los Angeles, California.

/s/ R. Brent Wisner
R. Brent Wisner, Esq.

CERTIFICATE OF SERVICE

I, Peter Miller, hereby certify that on the 5th day of June, 2015, a true copy of the foregoing **DECLARATION OF R. BRENT WISNER IN SUPPORT OF MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 37** was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

Jeffrey Todd Bozman
Michael X. Imbroscio (*pro hac vice*)
Phyllis A. Jones (*pro hac vice*)
Brett C. Reynolds (*pro hac vice*)
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Tele (202) 662-5335
Fax (202) 778-5535

/s/ Peter A. Miller
Peter A. Miller
MILLER LEGAL LLC
Va. Bar 47822
175 S. Pantops Drive, Ste. 301
Charlottesville, VA 22911
Tele (434) 529-6909
Fax (888) 830-1488
pmiller@millerlegalllc.com